

UNITED STATES DISTRICT COURT
for the
District of Montana

United States of America

v.

Wilfrido Varelas-Rubio

Date of Original Judgment: 04/05/2019

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: CR 18-88-BLG-SPW

USM No: 17270-046

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

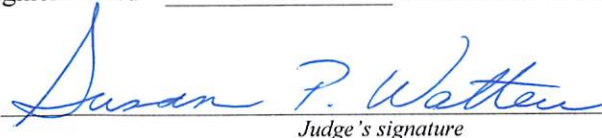
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

The Court denies Varelas-Rubio's motion because, although he is eligible for a sentence reduction under 18 U.S.C. 3582(c)(2) and USSG 1B1.10, the Court cannot reduce his term of imprisonment to a term less than the minimum of the amended guideline. *Dillon v. United States*, 560 U.S. 817, 827 (2010). Since Varelas-Rubio's original sentence was the low-end of the amended advisory guideline range, the Court cannot reduce his sentence any further and thus must deny his motion.

Except as otherwise provided, all provisions of the judgment dated 04/05/2019 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/22/2024


Judge's signature

Effective Date: _____
(if different from order date)

Susan P. Watters, U.S. District Judge

Printed name and title